

**B1040 (FORM 1040) (12/15)**

<b>ADVERSARY PROCEEDING COVER SHEET</b> (Instructions on Reverse)		<b>ADVERSARY PROCEEDING NUMBER</b> (Court Use Only)		
<b>PLAINTIFFS</b> DRIVETRAIN, LLC, as Trustee of the Ignite Restaurant Group GUC Trust	<b>DEFENDANTS</b> SOUTHERN GLAZER'S WINE AND SPIRITS, LLC; SOUTHERN GLAZER'S DISTRIBUTORS OF IOWA, LLC; SOUTHERN GLAZER'S WINE AND SPIRITS, LLC f/k/a GLAZER'S DISTRIBUTORS OF TEXAS, INC.			
<b>ATTORNEYS (Firm Name, Address, and Telephone No.)</b> Michael D. Warner (TX Bar No. 00792304) Benjamin L. Wallen (TX Bar No. 24102623) Cole Schotz PC 301 Commerce Street, Suite 1700 Fort Worth, TX 76102 Telephone: (817) 810-5250; Facsimile: (817) 810-5255 Email: mwarner@coleschotz.com; bwallen@coleschotz.com	<b>ATTORNEYS (If Known)</b>			
<b>PARTY (Check One Box Only)</b> <input type="checkbox"/> Debtor <input type="checkbox"/> U.S. Trustee/Bankruptcy Admin <input type="checkbox"/> Creditor <input type="checkbox"/> Other <input checked="" type="checkbox"/> Trustee	<b>PARTY (Check One Box Only)</b> <input type="checkbox"/> Debtor <input type="checkbox"/> U.S. Trustee/Bankruptcy Admin <input type="checkbox"/> Creditor <input checked="" type="checkbox"/> Other <input type="checkbox"/> Trustee			
<b>CAUSE OF ACTION</b> (WRITE A BRIEF STATEMENT OF CAUSE OF ACTION, INCLUDING ALL U.S. STATUTES INVOLVED) Avoidance and recovery of preferential transfers (11 U.S.C. §§ 547 & 550); preservation of preferential transfers (11 U.S.C. § 551)				
<b>NATURE OF SUIT</b> (Number up to five (5) boxes starting with lead cause of action as 1, first alternative cause as 2, second alternative cause as 3, etc.)				
<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top; border: none;"> <b>FRBP 70 01( 1) – Recovery of Money/Property</b>  <input type="checkbox"/> 11-Recovery of money/property - §542 turnover of property  <input checked="" type="checkbox"/> 12-Recovery of money/property - §547 preference  <input type="checkbox"/> 13-Recovery of money/property - §548 fraudulent transfer  <input type="checkbox"/> 14-Recovery of money/property - other   <b>FRBP 70 01 (2) – Validity, Priority or Extent of Lien</b>  <input type="checkbox"/> 21-Validity, priority or extent of lien or other interest in property   <b>FRBP 7001( 3) – Approval of Sale of Property</b>  <input type="checkbox"/> 31-Approval of sale of property of estate and of a co-owner - §363(h)   <b>FRBP 7001(4 ) – Objection/ Revocation of Discharge</b>  <input type="checkbox"/> 41-Objection/re vocation of discharge - §727(c),(d),(e)   <b>FRBP 7001(5) – Revocation of Confirmation</b>  <input type="checkbox"/> 51-Revocation of confirmation   <b>FRBP 7001(6) – Dischargeability</b>  <input type="checkbox"/> 6 6 -Dischargeability - §523(a)(1),(14),(14A) priority tax claims  <input type="checkbox"/> 62-Dischargeability - §523(a)(2), false pretenses, false representation, actual fraud  <input type="checkbox"/> 67-Dischargeability - §523(a)(4), fraud as fiduciary, embezzlement, larceny             (continued next column)         </td> <td style="width: 50%; vertical-align: top; border: none;"> <b>FRBP 70 01(6) – Dischargeability (continued)</b>  <input type="checkbox"/> 61 -Dischargeability- §523(a)(5 ), domestic support  <input type="checkbox"/> 68-Dischargeability - §523(a)(6), willful and malicious injury  <input type="checkbox"/> 63-Dischargeability - §523(a)(8), student loan  <input type="checkbox"/> 64-Dischargeability - §523(a)(15), divorce or separation obligation (other than domestic support)  <input type="checkbox"/> 6 5 -Dischargeability - other   <b>FRBP 70 01(7) – Injunctive Relief</b>  <input type="checkbox"/> 71 -Injunctive relief- imposition of stay  <input type="checkbox"/> 72-Injunctive relief - other   <b>FRBP 70 01(8) Subordination of Claim or Interest</b>  <input type="checkbox"/> 81 -Subordination of claim or interest   <b>FRBP 70 01(9) Declaratory Judgment</b>  <input type="checkbox"/> 91 -Declaratory judgment   <b>FRBP 70 01(10) Deter mi nation of Remove d Act ion</b>  <input type="checkbox"/> 01 -Determination of removed claim or cause   <b>Other</b>  <input type="checkbox"/> SS-SIPA Case - 15 U.S.C. §§78aaa <i>et seq.</i>  <input type="checkbox"/> 02-Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy case)         </td> </tr> </table>			<b>FRBP 70 01( 1) – Recovery of Money/Property</b> <input type="checkbox"/> 11-Recovery of money/property - §542 turnover of property <input checked="" type="checkbox"/> 12-Recovery of money/property - §547 preference <input type="checkbox"/> 13-Recovery of money/property - §548 fraudulent transfer <input type="checkbox"/> 14-Recovery of money/property - other  <b>FRBP 70 01 (2) – Validity, Priority or Extent of Lien</b> <input type="checkbox"/> 21-Validity, priority or extent of lien or other interest in property  <b>FRBP 7001( 3) – Approval of Sale of Property</b> <input type="checkbox"/> 31-Approval of sale of property of estate and of a co-owner - §363(h)  <b>FRBP 7001(4 ) – Objection/ Revocation of Discharge</b> <input type="checkbox"/> 41-Objection/re vocation of discharge - §727(c),(d),(e)  <b>FRBP 7001(5) – Revocation of Confirmation</b> <input type="checkbox"/> 51-Revocation of confirmation  <b>FRBP 7001(6) – Dischargeability</b> <input type="checkbox"/> 6 6 -Dischargeability - §523(a)(1),(14),(14A) priority tax claims <input type="checkbox"/> 62-Dischargeability - §523(a)(2), false pretenses, false representation, actual fraud <input type="checkbox"/> 67-Dischargeability - §523(a)(4), fraud as fiduciary, embezzlement, larceny  (continued next column)	<b>FRBP 70 01(6) – Dischargeability (continued)</b> <input type="checkbox"/> 61 -Dischargeability- §523(a)(5 ), domestic support <input type="checkbox"/> 68-Dischargeability - §523(a)(6), willful and malicious injury <input type="checkbox"/> 63-Dischargeability - §523(a)(8), student loan <input type="checkbox"/> 64-Dischargeability - §523(a)(15), divorce or separation obligation (other than domestic support) <input type="checkbox"/> 6 5 -Dischargeability - other  <b>FRBP 70 01(7) – Injunctive Relief</b> <input type="checkbox"/> 71 -Injunctive relief- imposition of stay <input type="checkbox"/> 72-Injunctive relief - other  <b>FRBP 70 01(8) Subordination of Claim or Interest</b> <input type="checkbox"/> 81 -Subordination of claim or interest  <b>FRBP 70 01(9) Declaratory Judgment</b> <input type="checkbox"/> 91 -Declaratory judgment  <b>FRBP 70 01(10) Deter mi nation of Remove d Act ion</b> <input type="checkbox"/> 01 -Determination of removed claim or cause  <b>Other</b> <input type="checkbox"/> SS-SIPA Case - 15 U.S.C. §§78aaa <i>et seq.</i> <input type="checkbox"/> 02-Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy case)
<b>FRBP 70 01( 1) – Recovery of Money/Property</b> <input type="checkbox"/> 11-Recovery of money/property - §542 turnover of property <input checked="" type="checkbox"/> 12-Recovery of money/property - §547 preference <input type="checkbox"/> 13-Recovery of money/property - §548 fraudulent transfer <input type="checkbox"/> 14-Recovery of money/property - other  <b>FRBP 70 01 (2) – Validity, Priority or Extent of Lien</b> <input type="checkbox"/> 21-Validity, priority or extent of lien or other interest in property  <b>FRBP 7001( 3) – Approval of Sale of Property</b> <input type="checkbox"/> 31-Approval of sale of property of estate and of a co-owner - §363(h)  <b>FRBP 7001(4 ) – Objection/ Revocation of Discharge</b> <input type="checkbox"/> 41-Objection/re vocation of discharge - §727(c),(d),(e)  <b>FRBP 7001(5) – Revocation of Confirmation</b> <input type="checkbox"/> 51-Revocation of confirmation  <b>FRBP 7001(6) – Dischargeability</b> <input type="checkbox"/> 6 6 -Dischargeability - §523(a)(1),(14),(14A) priority tax claims <input type="checkbox"/> 62-Dischargeability - §523(a)(2), false pretenses, false representation, actual fraud <input type="checkbox"/> 67-Dischargeability - §523(a)(4), fraud as fiduciary, embezzlement, larceny  (continued next column)	<b>FRBP 70 01(6) – Dischargeability (continued)</b> <input type="checkbox"/> 61 -Dischargeability- §523(a)(5 ), domestic support <input type="checkbox"/> 68-Dischargeability - §523(a)(6), willful and malicious injury <input type="checkbox"/> 63-Dischargeability - §523(a)(8), student loan <input type="checkbox"/> 64-Dischargeability - §523(a)(15), divorce or separation obligation (other than domestic support) <input type="checkbox"/> 6 5 -Dischargeability - other  <b>FRBP 70 01(7) – Injunctive Relief</b> <input type="checkbox"/> 71 -Injunctive relief- imposition of stay <input type="checkbox"/> 72-Injunctive relief - other  <b>FRBP 70 01(8) Subordination of Claim or Interest</b> <input type="checkbox"/> 81 -Subordination of claim or interest  <b>FRBP 70 01(9) Declaratory Judgment</b> <input type="checkbox"/> 91 -Declaratory judgment  <b>FRBP 70 01(10) Deter mi nation of Remove d Act ion</b> <input type="checkbox"/> 01 -Determination of removed claim or cause  <b>Other</b> <input type="checkbox"/> SS-SIPA Case - 15 U.S.C. §§78aaa <i>et seq.</i> <input type="checkbox"/> 02-Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy case)			
<input type="checkbox"/> Check if this case involves a substantive issue of state law <input type="checkbox"/> Check if a jury trial is demanded in complaint Other Relief Sought	<input type="checkbox"/> Check if this is asserted to be a class action under FRCP 23 <input checked="" type="checkbox"/> Demand \$680,294.95			

